

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 24-5269  
(Civ. A. No. 10-1974)

ALEXANDER R. KURSAR,  
Appellant,

v.

MARK AVERILL,  
Acting Secretary of the Army,  
Appellee.

**APPELLANT’S CONSENT MOTION TO EXTEND TIME TO FILE  
RESPOND TO APPELLEE’S DISPOSITIVE MOTION**

Appellant respectfully requests that the Court grant him an extension of time from February 20, 2025, to March 24, 2025, to file his response to Appellee’s dispositive motion that was filed on February 10, 2025. The undersigned counsel has conferred with Counsel for Appellee who graciously consents to this extension request.

This appeal is from the district court’s order granting the government’s cross-motion for summary judgment and denying Kursar’s motion for summary judgment in an Administrative Procedure Act case. Pursuant Federal Rule of Appellate Procedure 27(a)(3)(A), Appellant has 10 days to file any response to Appellee’s dispositive motion, filed on February 10, 2025. Undersigned Counsel

was not the prior counsel of record on this case at the District Court. The dispositive motion from Appellee is approximately 3500 words and 19 pages. The additional time is needed to appropriately review the record and respond to the motion.

Additional factors to consider include undersigned counsel's current schedule. On the date Appellee filed the motion, the undersigned counsel was on personal leave. Upon returning, the ECF system was undergoing maintenance. The undersigned counsel did not receive the motion until Monday, February 17, 2025. The undersigned counsel will be in hearing 18-20 February 18-20, 2025, in Pensacola, Florida, and Charleston, South Carolina. On February 21-24, 2025, the undersigned counsel will be on official military duty a commissioned officer in the United States Army Reserve in Los Angeles, CA. An extension is needed to have the time to properly digest and respond to the motion.

Finally, Appellee requested and was previously granted a 30 day extension of time to file its dispositive motion from this Court's initial docketing order. Appellant consented to that extension request, acknowledging the complexities of the case and how busy we all are. The undersigned counsel respectfully requests the same courtesy from this Court.

For the above stated reasons, the extension request to March 24, 2025, should be granted.

BRIAN A. PRISTERA

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*Counsel for Appellant*

Dated: February 18, 2025

**CERTIFICATE OF SERVICE**

I certify that on this 18th day of February 2025, the foregoing has been served on Appellee through the Court's CM/ECF system.

BRIAN A. PRISTERA

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Dated: February 18, 2025